EXHIBIT B

(Plaintiffs' Third Amended Petition)

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Cause No. DC-16-01508

JOSE VALDEZ-AREVALO AND CAROLINA GARCIA **Plaintiff,**	§	**IN THE DISTRICT COURT**
vs.	§	**DALLAS COUNTY, TEXAS**
THE ALDEN ROOFING COMPANY, LLC, ALDEN ROOFING & RENOVATIONS, LP AND OMAR SOTO **Defendants.**	§	**116TH JUDICIAL DISTRICT**

PLAINTIFFS' THIRD AMENDED PETITION

TO THE HONORABLE JUDGE OF THIS COURT:

Plaintiffs Jose Valdez-Arevalo and Carolina Garcia, jointly and individually, complain of Defendant OMAR SOTO (hereinafter referred to as "SOTO"), and in support thereof would show the Court as follows:

I.

DISCOVERY

As required by Rule 47(b), Texas Rules of Civil Procedure, Plaintiff's counsel states that the damages sought are in an amount within the jurisdictional limits of this Court. As required by Rule 47(c), Texas Rules of Civil Procedure, Plaintiff's counsel states that Plaintiff seeks monetary relief, the maximum of which is more than $1,000,000. The amount of monetary relief actually awarded, however, will ultimately be determined by a jury. Plaintiffs also seek pre-judgment and post-judgment interest at the highest legal rate. Plaintiffs declare that discovery in this lawsuit is intended to be conducted under Level 3 (T.R.C.P. 190.4).

II.

NATURE OF THE CASE

This is a suit to recover monetary relief, the maximum of which is more than $1,000,000. The amount of monetary relief actually awarded, however, will ultimately be determined by a jury. These damages are sought from Defendants SOTO's negligence regarding an on the job injury of Plaintiff Jose Valdez-Arevalo.

III.

PARTIES

Plaintiff JOSE VALDEZ-AREVALO is an individual residing in Denton County, Texas.

Plaintiff CAROLINA GARCIA is an individual residing in Denton County, Texas and is the legal wife of Jose Valdez-Arevalo.

Defendant OMAR SOTO is an individual conducting business in Texas and has been served with service of process and filed an answer herein.

IV.

VENUE

Venue is proper in Dallas County pursuant to Tex. Civ. Prac. & Rem. Code Ann. § 15.002 because the accident made the basis of this suit occurred in Dallas County.

V.

FACTS

On or about July 13, 2015, Jose Valdez-Arevalo was in the course and scope of his employment working for Defendant in Lakeway, Texas, a suburb of Austin, Texas. Mr. Valdez-Arevalo was working as a temporary worker for Defendant on a roof at a height of approximately twelve (12) feet at the time of this incident. While Plaintiff was on the roof another worker on the job site attempted to pass work materials (either sheetrock or plywood) to him. While doing so, the materials struck Plaintiff Valdez-Arevalo in the legs causing him to lose his balance and fall. Plaintiff fell approximately twelve (12) feet. As a result of falling to the ground Mr. Valdez-Arevalo was seriously injured. Due to the injuries sustained while in the scope of his employment, Plaintiff was forced to miss a significant amount of work and is now a paraplegic.

Defendant SOTO hired Plaintiff Valdez-Arevalo to work on the date of the incident as a temporary worker. Defendant SOTO had direction and control over the work that was performed by Plaintiff Valdez-Arevalo. Defendant SOTO provided the tools and equipment for Plaintiff Valdez-Arevalo.

Defendant SOTO failed to provide Mr. Valdez-Arevalo the appropriate tools and safety measures in order to safely perform his regular duties. Defendants knew of the hazardous conditions in which Mr. Valdez-Arevalo was being exposed to and failed to take appropriate measures to resolve or address them. Defendant failed to provide fall equipment and a helmet to Plaintiff Valdez-Arevalo. Defendant failed to provide a safe work environment to its subcontractors, seasonal workers, and/or temporary workers and such failures led to Mr. Valdez-Arevalo's injuries.

Additionally, Defendant had direction and control over Plaintiff and the work place location of Plaintiff. Defendant did not carry a worker's compensation policy that covered temporary workers at the work site.

VI.

NEGLIGENCE OF DEFENDANT SOTO

At the time and on the occasion in question, Defendant owed duties to Plaintiff Valdez-Arevalo, including the duty to provide a safe work area and safety equipment for workers to operate. Defendant has the duty to use all necessary care to ensure safety for its subcontractors, seasonal workers, and/or temporary workers. Defendant also owed the duty of reasonable care generally. Defendant breached these duties in ways including, but not limited to:

1. Failing to supervise the use of equipment for Plaintiff Valdez-Arevalo in a reasonably safe manner as a person of ordinary prudence would have done under the same or similar circumstance;
2. Failing to give adequate training in the operation and use of the equipment that is the basis of this lawsuit;
3. Failing to ensure company equipment was maintained in a way to prevent injuries to its subcontractors, seasonal workers, and/or temporary workers;
4. Failing to supervise temporary workers activities;
5. Failing to maintain a safety supervisor at the job site as required by the contract between him and Alden Roofing Company;
6. Failing to warm its subcontractors, seasonal workers, and/or temporary workers as to the hazards of their employment;
7. Failing to furnish reasonably safe instrumentalities with which temporary workers are to work;
8. Failure to provide its temporary workers the tools and equipment necessary to prevent foreseeable incidents such as the one that is the basis of this suit;
9. Failing to install, adopt or employ adequate safety measures in its workplace to prevent accidents such as the one that injured Plaintiff and is the subject of this lawsuit; and
10. Failing to provide fall protection, harnesses, and/or a helmet to Plaintiff Valdez-Arevalo on the date of the incident in violation of OSHA standards and regulations.

Each of such acts and omissions, singularly or in combination with others constituted negligence, gross negligence, and negligence per se which proximately caused the incident and the injuries which Plaintiff Valdez-Arevalo suffered.

VII.

PLAINTIFF VALDEZ-AREVALO'S INJURIES

As a direct and proximate cause of Defendant's negligence, Plaintiff Valdez-Arevalo began to experience pain throughout his body. Later his symptoms increased and he received conservative medical attention. As a result of these injuries, Plaintiff Valdez-Arevalo was left as a paraplegic and continues to receive medical treatment.

VIII.

DAMAGES OF PLAINTIFFS

As a result of the negligence previously described, Valdez-Arevalo was seriously injured. Plaintiff Valdez-Arevalo suffered severe pain and suffering. Plaintiff Valdez-Arevalo and his wife Carolina Garcia suffered damages that include the following:

1. Loss of Companionship and Consortium. Emotional trauma, and loss of care, maintenance, labor services, kindness, attention, advice and counsel suffered by Plaintiffs both in the past and to be incurred in the future;
2. Mental Anguish. Mental anguish suffered by Plaintiffs both in the past and to be incurred in the future;
3. Pecuniary Loss. Pecuniary loss suffered by Plaintiffs both in the past and to be incurred in the future;
4. Household services. A loss of household services suffered by Plaintiffs both in the past and to be incurred in the future;

5. Pain and Suffering. The pain and suffering associated with the traumatic experience of falling approximately 12 feet and sustaining severe injuries both in the past and to be incurred in the future;

6. Physical Impairment. The inability to perform daily activities that Plaintiffs were once able to perform prior to the incident both in the past and to be incurred in the future;

7. Loss of Earning Capacity. The inability of Plaintiff to earn income both in the past and to be incurred in the future;

8. Medical Expenses. The medical expenses associated with services for Jose Valdez-Arevalo both in the past and to be incurred in the future.

The Plaintiffs have thus been damaged in an amount in excess of the minimum jurisdictional limits of this Court.

IX.

NOTICE OF INTENT TO USE DOCUMENTS PRODUCED AT ANY PRE-TRIAL PROCEEDING AND/OR AT TRIAL

Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, Plaintiff gives notice to all parties in this matter that Plaintiff intends to use any and all documents produced by any and/or all parties in discovery, attached to depositions as exhibits, or produced for inspection at deposition in this case at any pre-trial proceeding and/or at trial.

X.

EXEMPLARY DAMAGES

The acts and/or omissions of the Defendants described above were of such a character as to find Defendant grossly negligent. The conduct of Defendant, viewed objectively from the standpoint of the Defendants at the time of its occurrence, involved an extreme degree of risk, considering the probability and the magnitude of potential harm to others. Moreover, the Defendant engaged in the conduct with conscious indifference to the rights, safety, and/or welfare of others, despite the Defendant's actual, subjective awareness of the risk involved. Therefore, Plaintiff is entitled to recover exemplary damages and Plaintiff seeks exemplary damages in an amount that may be found by the trier of fact.

XII.

PRAYER

WHEREFORE, Plaintiff requests that Defendants SOTO, be cited to appear and answer and that on final hearing Plaintiff have final judgment against Defendant for an amount within the jurisdictional limits of the Court, together with interest at the lawful rate from July 13, 2015, until judgment, and post-judgment interest at the lawful rate, costs of court and for such other and further relief, at law or in equity to which Plaintiff is justly entitled.

Respectfully submitted,
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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document has been duly served pursuant to Texas Rules of Civil Procedure on all counsel of record in this matter on the 23rd day of June 2016:

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